

United States Bankruptcy Court
WESTERN DISTRICT OF MICHIGAN

CHAMBERS OF
SCOTT W. DALES
BANKRUPTCY JUDGE

TELEPHONE
616-456-2949

ONE DIVISION AVENUE NORTH
GRAND RAPIDS, MICHIGAN 49503

January 21, 2015

Kurt A. O'Keefe, Esq.
1593 Torrey Road
Grosse Pointe Woods, Michigan 48236

Re: Carroll v. Bank of New York Mellon Corporation,
Adversary Proceeding No. 14-80219

Dear Mr. O'Keefe:

I attempted to conduct a pretrial conference this morning in Grand Rapids, Michigan, concerning your client's Complaint to Determine Validity and Extent of Lien of BNY Mellon on Debtor's Real Estate, and Amount of Secured Claim. I expected both sides to appear through counsel, as directed. You did not appear but opposing counsel, Mr. Stoddard, did.

Your failure to appear was risky, as a litigation matter, and discourteous, as a professional matter.

I understand from opposing counsel's statement in open court that the hearing did not make it onto your schedule, but I also understand that the court's hearing notice was served on you and in fact you filed a Rule 26 report.

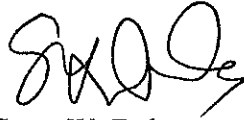
Although Mr. Stoddard orally requested dismissal as a sanction (as his duty of zealous advocacy probably required), I denied the request. This is generally my practice in response to initial "no shows" in court, such as yours this morning.

Mr. Stoddard did extend you the courtesy of refraining from seeking compensation for his expense in attending the hearing, and for that you can be thankful. As I told him, I will reschedule the pretrial conference at his convenience, and will conduct it by telephone if he so requests, in order to avoid imposing additional expense on his client.

Kurt A. O'Keefe, Esq.
January 21, 2015
Page 2

To comply with Fed. R. Bankr. P. 9003, the Clerk will enter this letter on the adversary proceeding docket.

Very truly yours,

A handwritten signature in black ink, appearing to read 'SWD', with a stylized flourish at the end.

Scott W. Dales
Chief Judge

SWD/kw
cc: John D. Stoddard, Esq.